

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS**

X CORP., SUCCESSOR IN INTEREST TO
TWITTER, INC.

Plaintiff,

v.

MARK SCHOBINGER

Defendant.

C.A. No. 1:23-cv-778

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. § 1132, 28 U.S.C. §1441 and 28 U.S.C. §1446, Defendant Mark Schobinger hereby removes the above-captioned action to this Court from the District Court of Williamson County, Texas – 395th Judicial District Court.

1. Mark Schobinger is the Defendants in the above-captioned matter. Mr. Schobinger has not been served in this matter.
2. Pursuant to 28 U.S.C. §1446(a), Defendant attaches to this Notice a copy of the Complaint, as Exhibit A.
3. This case is removable under 28 U.S.C. § 1441(b) because Mr. Schobinger is a citizen of Texas, while Plaintiff X Corp. is a Nevada corporation, thereby satisfying the requirements of 28 U.S.C. § 1332 that the parties are citizens of different states.
4. Moreover, 28 U.S.C. § 1441(b)(2) is inapplicable because Mr. Schobinger has not been served in this matter. Numerous district courts in this circuit have applied Texas Brine Co. v. American Arbitration Assoc., Inc., 955 F.3d 482 (5th Cir. 2020) to find that § 1441(b)(2) does not preclude snap removals by in-state defendants before they have been properly served.”

Midwest Health Group, LLC v. eMDs, Inc., 2020 WL 6580446, at *3 (W.D. Tex. Nov. 10, 2020 (citing Mirman Grp., LLC v. Michaels Stores Procurement Co., 2020 WL 5645217, at *1 (N.D. Tex. Sept. 22, 2020); Baker v. Bell Textron, Inc., 2020 WL 5513431, at *7 (N.D. Tex. Sept. 14, 2020); Latex Constr. Co. v. Nexus Gas Transmission, LLC, 2020 WL 3962247, at *6 (S.D. Tex. July 13, 2020)).

5. Additionally, the amount in controversy exceeds \$75,000. Specifically, Plaintiff seeks an injunction to preclude Defendant from using allegedly confidential information in connection with the federal class action lawsuit he filed, Schobinger v. Twitter, Inc., Case No. 3:23-cv-3007 (N.D. Cal.). The value of Mr. Schobinger's class claims exceeds \$5 million. (Ex. B – Federal Complaint.)

Dated: July 7, 2023

Respectfully Submitted,

MARK SCHOBINGER

/s/ Drew Herrmann

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-AND-

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CERTIFICATE OF SERVICE

I certify that on July 11, 2023 the above document will be filed via CM/ECF, which will cause a copy to be served on all counsel of record. Moreover, I will cause the foregoing document to be served by email and first class mail on counsel for X Corp. at the following addresses:

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/s/ Drew N. Herrmann
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